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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,769	09/15/2003	Reinhold Fuessinger	080404.52663US	7277

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT PAPER NUMBER

3671

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/661,769

Applicant(s)

FUESSINGER ET AL.

Examiner

Alexandra K. Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22-24 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 22, 23, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Diefendahl (EP 0600321).**

Regarding claim 22, Diefendahl discloses a truss girder for a collapsible bridge comprising: two track girders (11, 12) forming (10) in Figs. 3 and 4, extending in use in respective truss planes forming two sides of a triangle with a triangle base extending between lower ends of the track girders when in an in use assembled condition (see Figs. 3 and 4) with transverse girders (18) fitted through and positioning said lower ends with respect to one another, and a hinge (at 13, 17) connecting upper portions of the two track girders together to thereby facilitate folding together of the two track girders when a bridge utilizing same is taken down (since Diefendahl discloses in the Abstract that the arrangements 10 can be folded up).

Regarding claim 23, Diefendahl discloses a collapsible bridge assembly comprising:

- truss girders (11, 12) positioned in use on lateral sides of a bridge roadway formed by the bridge assembly (see Fig. 3),

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- transverse girders (18) detachably connected with respective truss girders at opposite lateral sides of the bridge roadway (see Fig. 4) and
- roadway planks (24) extending transverse to and supported at the transverse girders to form the bridge roadway,
- wherein the truss girders (11, 12) each comprise:
 - two track girders (11, 12) extending in use in respective truss planes forming two sides of a triangle with a triangle base extending between lower ends of the track girders when in an in use assembled condition with transverse girders (18) fitted through and positioning said lower ends with respect to one another, and
 - a hinge (in area of 13, 17 in Fig. 4) connecting upper portions of the two track girders together to thereby facilitate folding together of the two track girders when a bridge utilizing same is taken down (since Diefendahl discloses in the Abstract that the arrangements 10 can be folded up).

Regarding claim 26, Figs. 1 and 2 show the track girders (11, 12) coupled together in the longitudinal direction of the bridge from one or several track girder sections.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Diefendahl (EP 0600321) as applied to claim 23 above, and further in view of

Scuero (US 2001/0002497). Diefendahl fails to disclose the transverse girders and/or

the roadway planks consisting of extruded, tube-shaped fiber composite materials.

Scuero discloses a geocomposite for roads and bridges made of a fibers (see claims 9

and 10), the geomembrane being extruded (paragraph (0024)), which has the

advantage of being flexible and cushioned, capable of conforming to the base and

structural layers of the roads and bridges, and providing cushioning so as to dissipate

stress loads to a level supportable by the base layer and thus alleviate load-related

cracking, having sufficient porosity and allow vertical migration of water, and having

beneficial thermal properties (paragraph (0008)-(0014)). It would have been obvious to

one having ordinary skill in the art at the time the invention was made to modify the

material of the transverse girders and/or the roadway planks of Diefendahl to be made

of extruded, tube-shaped fiber composite materials as taught by Scuero, since

Scuero states in paragraphs (0008)-(0014) the advantages of such material in bridges

and roads, such as being flexible and cushioned, capable of conforming to the base and

structural layers of the roads and bridges, and providing cushioning so as to dissipate

stress loads to a level supportable by the base layer and thus alleviate load-related

cracking, having sufficient porosity and allow vertical migration of water, and having

beneficial thermal properties.

Allowable Subject Matter

5. Claims 1-21 are allowed.

Response to Arguments

6. Applicant's arguments filed 9/14/05 have been fully considered but they are not persuasive.

Applicant's primary argument is that EP '321 does not disclose a triangle, but rather a trapezoidal truss arrangement. Merriam Webster's Online Dictionary (<http://www.m-w.com>) defines "triangle" as "1 : a polygon having three sides". In Figs. 3 and 4 of EP '321, there are three sides, since the Examiner considers the top joint of the triangle as the clamp (17) which forms one of the three corners. The two truss walls (11, 12) meet and join at the clamp (17). Applicant's arguments regarding the ramifications concerning the clamp (17) of EP '321 and logistical disadvantages regarding transport, dismantling, etc. provide extraneous information regarding the differences between the applicant's invention and EP '321 that is beyond the scope of the claims at issue. Though such differences may exist, the Examiner is concerned with the claim language, and EP'321 meets the claimed recitation of a triangle set forth in claims 22 and 23.

Applicant argues that claim 23 requires that the roadway planks are "transverse to and supported at the transverse girders to form the bridge roadway". The Applicant states that in Fig. 4 of EP '321 however, the element (18) spanning each truss triangle

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does not extend between the sides of the bridge to support the roadway. The Examiner is not exactly clear as to what the applicant is arguing, since the Office Action sets forth that the roadway planks (seen as 24) extend transverse to and are supported at the transverse girders (seen as 18) to form the bridge roadway, and this is evident in Figs. 3 and 4.

Conclusion

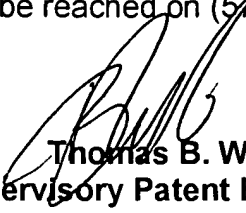
7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
11/14/05